

Constitutional Amendments—House joint resolutions Nos. 4, 13, 8, 9.

Banks and Banking—House bills Nos. 211, 205, 212, 210, 209.

State Affairs—House bill No. 8.

Counties—House bills Nos. 56, 94, 116.

Commerce and Manufactures—House concurrent resolution No. 5, House bill No. 261.

Game and Fisheries—House bill No. 225.

The following committees filed adverse reports today on bills as follows:

Federal Relations—Senate concurrent resolution No. 7.

Constitutional Amendments—House bill No. 119.

Criminal Jurisprudence—House bills Nos. 28, 144, 197.

Counties—House bill No. 147.

Judiciary—House bill No. 267.

#### REPORT OF COMMITTEE ON EN-GROSSED BILLS.

Committee Room,

Austin, Texas, January 20, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 17, A bill to be entitled "An Act requiring the Board of Water Engineers and the State Reclamation Engineer, in conformity to the statutes determining their powers and duties, to make, and cause to be made, and report to the Governor an adequate topographic and hydrographic survey of the stream watersheds of the State, to the end that flood control, water conservation and economic utilization in reclamation development may be made practicable; advancing all such work as found feasible in accordance with the relative importance to the public welfare; directing the order in which said surveys and reports shall be made; providing for an appropriation to carry out the provisions of this act, and declaring an emergency,"

And find the same correctly engrossed.  
PRICE, Vice-Chairman.

#### THIRTEENTH DAY.

(Tuesday, January 23, 1923.)

The House met at 2 o'clock p. m., pursuant to adjournment, and was called to order by Speaker Seagler.

The roll was called and the following members were present:

Abney.	Irwin.
Amsler.	Jacks.
Arnold.	Jennings.
Atkinson.	Jones.
Avis.	Kemble.
Baker of Milam.	Lackey.
Baker of Orange.	Laird.
Baldwin.	Lane.
Barker.	LeMaster.
Barrett.	LeSturgeon.
Beasley.	Lewis.
Bell.	Loftin.
Bird.	Looney.
Blount.	Lusk.
Bobbitt.	McBride.
Bryant.	McDaniel.
Cable.	McDonald.
Carpenter	McKean.
of Dallas.	Martin.
Carpenter	Mathes.
of Matagorda.	Maxwell.
Carson.	Melson.
Carter of Coke.	Merriman.
Carter of Hays.	Merritt.
Coffee.	Miller.
Collins.	Montgomery.
Covey.	Moore.
Cowen.	Morgan
Crawford.	of Liberty.
Culp.	Morgan
Davenport.	of Robertson.
Davis.	Pate.
DeBerry.	Patman.
Dielmann.	Patterson.
Dinkle.	Perdue.
Dodd.	Pinkston.
Downs.	Pope.
Driggers.	Potter.
Duffey.	Price.
Dunlap.	Purl.
Dunn.	Quaid.
Durham.	Quinn.
Edwards.	Rice.
Faubion.	Robinson.
Fields.	Rogers.
Finlay.	Rowland.
Frnka.	Russell of Trinity.
Fugler.	Sackett.
Gipson.	Sanford.
Green.	Satterwhite.
Greer.	Shearer.
Hardin of Erath.	Shires.
Hardin	Simpson.
of Kaufman.	Smith.
Harrington.	Sparkman.
Harris.	Stell.
Henderson	Stevens.
of Marion.	Stewart
Henderson	of Edwards.
of McLennan.	Stewart of Jasper.
Hendricks.	Stewart of Reeves.
Howeth.	Stiernberg.
Hughes.	Storey.
Hull.	Strickland.

Stroder.	Wells.
Sweet.	Westbrook.
Teer.	Wessels.
Thompson.	Williamson.
Thrasher.	Wilmons.
Turner.	Winfree.
Wallace.	Young.

Absent.

Bonham.

Absent—Excused.

Brady.	McNatt.
Burmeister.	Pool.
Chitwood.	Rountree.
Houston.	Russell
Johnson.	of Callahan.
Lamb.	Vaughan.
McFarlane.	Wilson.

A quorum was announced present.

Prayer was offered by Rev. J. C. Mitchell, Chaplain.

#### LEAVES OF ABSENCE GRANTED.

The following members were granted leaves of absence on account of important business:

Mr. Burmeister for today, on motion of Mr. Smith.

Mr. McFarlane for today, on motion of Mr. Greer.

Mr. Houston for yesterday and today, on motion of Mr. Pope.

Mr. Rountree for today, on motion of Mr. Martin.

Mr. Wilson for today, on motion of Mr. Patterson.

The following members were granted leaves of absence on account of sickness:

Mr. Russell of Callahan for today, on motion of Mr. Thrasher.

Mr. Lamb for today, on motion of Mr. Russell of Trinity.

Mr. McNatt for today, on motion of Mr. Potter.

Mr. Chitwood for today, on motion of Mr. Teer.

#### HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Carpenter of Dallas, Mr. Irwin, Mr. Jacks and Mr. Collins:

H. B. No. 271, A bill to be entitled "An Act providing for the appointment of official grand jury stenographers by

the district judge or judges in charge of said grand juries in counties of Texas having a population of one hundred and fifty thousand or more, and prescribing the qualifications and duties of said grand jury stenographers, and providing for their compensation, and prescribing the time and method of transcribing the evidence and testimony taken before said grand juries, and declaring an emergency."

Referred to Judiciary Committee.

By Mr. Culp and others:

H. B. No. 272, A bill to be entitled "An Act regulating the practice of medicine; amending certain articles and adding new articles to Title ninety (90), Chapter one (1), of the Civil Statutes of Texas; amending certain articles, and adding new articles to Title twelve (12), Chapter six (6), of the Penal Code of the State of Texas, as follows: By amending Article 5737, of the Civil Statutes; prescribing certain duties of district clerks relating to license to practice medicine, etc."

Referred to Committee on Public Health.

By Mr. Teer and Mr. Faubion:

H. B. No. 273, A bill to be entitled "An Act to amend Article 4959, Chapter 15, of the Revised Statutes of Texas, 1911, providing that no recovery upon any life, accident or health insurance policy shall ever be defeated because of any misrepresentation in the application which is of an immaterial fact and which does not affect the risk assumed, so as to include in the provision thereof any policy or certificate issued by any fraternal benefit society, and repealing all laws in conflict herewith, and creating an emergency."

Referred to Committee on Insurance.

By Mr. Moore and Mr. Lackey:

H. B. No. 274, A bill to be entitled "An Act to amend Sections 2 and 3 of Chapter 190 of the Acts of 1917, and adding Section 3a, increasing the term of office for the members of the Board of Highway Commission from two to six years, so that one term of office will expire each two years, and providing compensation of \$2,500 per year for members of said commission."

Referred to Committee on Roads, Bridges and Ferries.

By Mr. Baldwin, Mr. Duffey and Mr. Sackett:

H. B. No. 275, A bill to be entitled "An Act creating the office of public weigher in each of the counties of this State; providing for the election and qualification of the public weigher in the same manner and at the same time that other county officers are elected and qualified; providing for bond of public weigher and requiring him to take the oath of office; defining his term of office; requiring the county clerk to certify his election and qualification to the Commissioner of Markets and Warehouses of Texas; prescribing his qualification and defining his duties; providing for appointment of deputies and assistants; giving the Commissioner of Markets and Warehouses of Texas supervision over the public weigher and requiring him to report the names and addresses of deputies and assistants; making him responsible for the acts of his deputies and assistant; requiring the issuance of certificates of weights and measures, and providing for the form of such certificates; requiring the public weigher to use weighing equipment furnished by the county commissioners court; providing for approval and testing of equipment used by his deputies and assistants, and requiring him to test all weighing and measuring devices used by him or them; requiring quarterly reports to be made to commissioners court; providing for fees of office; providing for seal of office and requiring its use; requiring the public weigher to make and preserve a public record, and providing for the form of such record; providing that the certificates shall contain accurate and correct weight; providing who may weigh commodities and issue certificates therefor; creating certain penal offenses to secure enforcement of this act, and prescribing penalties therefor; providing for removal from office and for the filling of vacancies; giving public weighers certain authority; providing for reweighing commodities where a doubt or difference arises as to correct weight; requiring commissioners court to furnish office supplies, etc.; and certain specifications for a master scale; defining certain terms; repealing certain articles of the statutes and all laws and parts of laws in conflict with this act; and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. Baldwin:

H. B. No. 276, A bill to be entitled "An Act creating and incorporating the Key Independent School District in Dawson county, Texas, out of territory now known as Key Common School District in said county; defining the boundaries thereof; providing for a board of trustees, their election, terms of office, qualifications, powers, duties and authority; authorizing the board of trustees to levy, assess and collect taxes for maintenance and building purposes; and to issue bonds; providing for an assessor and collector of taxes, and a board of equalization; providing that said Key Independent School District shall assume and discharge any and all bonds and indebtedness constituting valid and binding obligations of Key Common School District No. 15; validating and continuing in force any and all bond and maintenance tax heretofore voted and now in force in said common school district; validating the certain bond issue voted by Key Common School District No. 15; providing that title to any and all property of such common school district shall vest in the trustees of the independent school district hereby created; providing for filling vacancies on the board of trustees; providing for a seal for said district; providing that the board of trustees shall be governed by the general laws of Texas in all matters where this act is silent; repealing all laws in conflict herewith; providing that invalidation by the courts of any section or provision of this act shall not invalidate any remaining provisions hereof, and declaring an emergency."

Referred to Committee on School Districts.

By Mr. Moore, Mr. Dinkle and Mr. Beasley:

H. B. No. 277, A bill to be entitled "An Act to make certain emergency appropriations in the sum of four thousand two hundred seventy (\$4,270) dollars, out of the general revenue of the State of Texas, for the East Texas State Normal College, Commerce, Texas, for the fiscal year ending August 31, 1923, and declaring an emergency."

Referred to Committee on Appropriations.

By Mr. Pope:

H. B. No. 278, A bill to be entitled "An Act to require the payment of

interest on certain deposits required from water, light, gas and telephone companies within this State; requiring the making of annual reports; providing penalties for violations hereof, and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. Carter of Coke:

H. B. No. 279, A bill to be entitled "An Act to amend Article 2771, Revised Statutes, 1911, as amended by the Thirty-fifth Legislature, Chapter 160, reducing the amount of bonds required of depositories of independent districts."

Referred to Committee on State Affairs.

By Mr. Carter of Coke:

H. B. No. 280, A bill to be entitled "An Act to amend Article 2895, Revised Statutes, 1911, fixing the time and limiting the term of employment of superintendent, principal, and teachers in independent school districts, and creating an emergency."

Referred to Committee on Education.

By Mr. Baldwin:

H. B. No. 281, A bill to be entitled "An Act amending Section 15 of Article 7355 of the Revised Statutes of Texas of 1911, imposing an occupation tax upon menageries, wax work, side shows, exhibitions and carnivals; prescribing the tax that shall be assessed against any chamber of commerce or other organization when such shows, carnivals, amusements or entertainments are held under the auspices of such chamber of commerce or other organizations, and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Merritt:

H. B. No. 282, A bill to be entitled "An Act amending Article 2954 of the Revised Civil Statutes of the State of Texas of 1911, providing that citizens of Texas, who are qualified electors, who will reach the age of twenty-one years after the first day of February and before the day of a following election, shall be entitled to vote at such election without having paid a poll tax and without having obtained an exemption certificate; providing procedure in case the vote of such person is challenged, and declaring an emergency."

Referred to Committee on Privileges, Suffrage and Elections.

By Mr. Gipson:

H. B. No. 283, A bill to be entitled "An Act to amend Article 3965 of the Revised Statutes of 1911, relating to written memorandum to maintain certain actions, and declaring an emergency."

Referred to Judiciary Committee.

By Mr. Baldwin:

H. B. No. 284, A bill to be entitled "An Act amending Section 113 of Article 7355, Revised Civil Statutes of Texas of 1911, imposing an occupation tax upon theatrical and dramatic representations, the amount of tax to be determined according to the number of inhabitants; making certain exemptions from this act, and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Sackett, Mr. Henderson of Marion and Mr. Culp:

H. B. No. 285, A bill to be entitled "An Act to amend Article 610, Revised Statutes, as amended by Chapter 47, Acts of the Regular Session of the Thirty-seventh Legislature, prescribing purposes for which counties may issue bonds; amending Articles 611, 612, 617 and 621, Chapter 1, Title 18, Revised Statutes, 1911, relating to the issuance of county and city bonds; adding to Chapter 1, Title 18, Revised Statutes, five new articles designated as Articles 610a, 610b, 610c, 610d and 610e, authorizing counties, towns, cities, school districts and improvement districts to refund bonds now or hereafter outstanding; providing that nothing in this act shall be construed as invalidating any bond elections previously ordered or held, or any bonds issued and sold by any county, city, town or district, and declaring an emergency."

Referred to Committee on Counties.

By Mr. Satterwhite:

H. B. No. 286, A bill to be entitled "An Act making an emergency appropriation for the Adjutant General of this State, made necessary by emergencies arising in declaring martial law and administering the Open Port Law in this State, and declaring an emergency."

Referred to Committee on Appropriations.

By Mr. Gipson and Mr. Avis:

H. B. No. 287, A bill to be entitled "An Act providing that a water improvement district which has made and filed an application with the State Board of Water Engineers for the appropriation and use of water on certain defined lands and for the storage of the water of a stream and watershed and shall have been granted a permit therefor by the State Board of Water Engineers, and parts of said land for which such water was appropriated for irrigation are not included within such district granted such permit, but is included within another district, the said district to which said permit was granted may convey same and all rights granted by said permit insofar as same pertain to said lands to the district in which said lands are located, validating such permits, and declaring an emergency."

Referred to Committee on Conservation and Reclamation.

By Mr. Greer, Mr. Laird, Mr. Harris, and Mr. Green:

H. B. No. 288, A bill to be entitled "An Act to amend Section 2, Chapter 36, General Laws of the Regular Session of the Thirty-fourth Legislature, and add Section 9a, relating to the election of the county school trustees and prescribing additional duties of said trustees, and creating an emergency."

Referred to Committee on Education.

By Mr. Avis and Mr. McFarlane:

H. B. No. 289, A bill to be entitled "An Act to amend Article 3793, Chapter 1, Title 55, of the Revised Civil Statutes of 1911 of the State of Texas, relating to the exemption of personal property from forced sale, and declaring an emergency."

Referred to Judiciary Committee.

By Mr. Covey:

H. B. No. 290, A bill to be entitled "An Act to amend Article 2894, Revised Statutes, 1911, reducing the scholastic age to six years and removing the maximum limit of free school age."

Referred to Judiciary Committee.

By Mr. Smith:

H. B. No. 291, A bill to be entitled "An Act to amend Article 1536, Revised Civil Statutes, 1911, relating to

the appointment of deputy clerks in the Supreme Court, fixing their salaries, and declaring an emergency."

Referred to Judiciary Committee.

By Mr. Gipson and Mr. Avis:

H. B. No. 292, A bill to be entitled "An Act to amend Chapter 87 of the Acts of the Regular Session of the Thirty-fifth Legislature, and amendments thereof, and by adding thereto a new section to be known as Section 138, and providing that the board of directors of a water improvement district may exclude from same, without requiring an application therefor, lands which cannot be irrigated by gravity flow from the canal system as planned and constructed, and if the owner of such lands shall thereafter and within one year elect to place said lands or part thereof in cultivation by use of water from said irrigation system by means other than provided at the time said lands were excluded, same may be again included in said district upon the application of the owner thereof made as provided by law, providing the manner of excluding and again including such lands in a district, also amending said act by amending Section 8 of Chapter 13 of the Acts of the Thirty-seventh Legislature, Regular Session, which act amended said Chapter 87, Acts Regular Session, Thirty-fifth Legislature, as amended by said Section 8, Acts of the Regular Session of the Thirty-seventh Legislature, and provides the manner and mode of levying and assessing taxes by such district which may adopt the assessment of benefit plan of taxation, and that such districts may, by election, adopt a uniform basis of benefits applying to all lands irrigated by gravity flow from the canal system, and for a different basis of assessment on uniform basis on all lands classed as non-irrigable by gravity flow, and providing that if lands so classed as non-irrigable are thereafter irrigated, the method of determining the amount of payments to be made thereon; the manner of adopting such assessments by election, declaring an emergency."

Referred to Committee on Conservation and Reclamation.

By Mr. Sackett:

H. B. No. 293, A bill to be entitled "An Act to create the Talpa Independent School District in Coleman county, Texas, including the present Talpa

district of said county, providing a board of trustees therefor, vesting said independent school district and board of trustees with all the rights, powers, privileges and duties conferred upon independent school districts incorporated under the general laws of Texas; providing that the board of trustees of the present Talpa district shall continue to act as such until their successors are elected in accordance with the general laws of Texas, and declaring an emergency."

Referred to Committee on School Districts.

By Mr. Young:

H. B. No. 294, A bill to be entitled "An Act to reorganize the Forty-sixth and Forty-seventh Judicial Districts and to create the Ninety-third Judicial District of the State of Texas, and for the appointment of the district judge and district attorney for said Ninety-third Judicial District, providing for holding the district courts and the terms thereof in the Forty-sixth, Forty-seventh and Ninety-third Judicial Districts, respectively, and providing that all process and writs heretofore issued, and all recognizances and bonds heretofore made and executed and returnable to existing terms of district court in the counties composing said districts, together with jurors heretofore selected, are valid and returnable to the first term of such court after this act takes effect, and providing for the continuation of the existing district courts in said counties in session when this act takes effect, to the end of their terms, repealing all conflicting laws, and declaring an emergency."

Referred to Judiciary Committee.

By Mr. Stewart of Reeves:

H. B. No. 295, A bill to be entitled "An Act to amend Section 72 of Chapter 87 of the Acts of the Regular Session of the Thirty-fifth Legislature, providing for the election of directors of water improvement districts, and that in certain specified districts such directors shall be appointed by the county commissioners court, such districts being those which contain not to exceed twelve thousand acres of land, and in which sixty outside of the district, but who live within the county in which such district is located; providing time of appointment of such directors, and that peti-

tions may be filed with said court by the land owners asking for appointment of certain persons as directors, and declaring an emergency."

Referred to Committee on Conservation and Reclamation.

#### MESSAGE FROM THE SENATE.

Senate Chamber,

Austin, Texas, January 23, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. B. No. 31, A bill to be entitled "An Act to authorize the cities having more than 25,000 population to purchase and condemn real estate for the purpose of laying out, establishing, straightening, widening, opening or extending highways, public squares or public places therein, and to provide for the cost thereof, and for the assessment of such costs against property benefited by such improvements and against its owners, and to enforce the collection thereof, and declaring an emergency."

S. B. No. 99, A bill to be entitled "An Act to validate, ratify and confirm unto Michael B. Menard, his heirs and assigns the title to the Michael B. Menard one league survey of land located in San Jacinto county, Texas, as described in the field notes thereof made by Arthur Hendrie, surveyor, on the 2nd day of June, 1835, and now on file in the General Land Office of the State of Texas, and as delineated on the official land map of the General Land Office of the State for lands located in said San Jacinto county, and declaring an emergency."

S. B. No. 122, A bill to be entitled "An Act to establish a system of public roads and bridges for Tarrant county and to empower the commissioners court thereof to provide rules and regulations therefor, and a system for the construction of such roads and bridges, the maintenance and repair thereof, and to condemn private property for such purposes, to constitute each county commissioner ex-officio commissioner of the public roads and bridges of his precinct and to prescribe the powers and duties of the county commissioners; to authorize and regulate the issuance and sale of bonds under this act, and to provide other forms of indebtedness and for the levy of taxes for such purposes, and to allow the issuance of bonds for the pur-

pose of funding or refunding any bonded or other indebtedness heretofore or hereafter incurred by said county; to regulate the expenditure of moneys arising from the sale of such bonds and from the levy of taxes for roads and bridge purpose; to designate and define certain cardinal roads in the county, to provide for the selection of a county engineer, and for the employment of a consulting engineer; to employ special counsel for the county; and to empower the commissioners court to make such contracts with regard to the construction, maintenance, or repair of roads and bridges that may be necessary and to employ the convicts on said roads and to provide for the compensation of the commissioners for the performance of their duties under the terms of this act, and to prescribe penalties for the violation of this act, and repealing all laws in conflict with the provisions hereof, and declaring an emergency."

S. C. R. No. 13, Relating to a concert Monday night by the Austin Choral Club of Austin.

Respectfully,  
**RICHARD BLALOCK,**  
 Assistant Secretary of the Senate.

#### BILLS ORDERED PRINTED.

Mr. Dodd moved that House bill No. 39, reported adversely, with a favorable minority report, be printed.

Yeas and nays were demanded, and the motion to print prevailed by the following vote:

#### Yeas—79.

Abney.	Dodd.
Arnold.	Driggers.
Atkinson.	Dunlap.
Avis.	Dunn.
Baker of Milam.	Edwards.
Baker of Orange.	Fields.
Beasley.	Gipson.
Bell.	Greer.
Bird.	Hardin of Erath.
Blount.	Harrington.
Carpenter	Henderson
of Dallas.	of Marion.
Carpenter	Howeth.
of Matagorda.	Hull.
Carter of Hays.	Irwin.
Coffee.	Jacks.
Collins.	Kemble.
Covey.	Laird.
Crawford.	Lane.
Davis.	LeMaster.
DeBerry.	Lewis.
Dinkle.	Looney.

Lusk.	Robinson.
McBride.	Russell of Trinity.
McDaniel.	Sackett.
McDonald.	Sanford.
Melson.	Shires.
Merriman.	Smith.
Merritt.	Sparkman.
Montgomery.	Stell.
Moore.	Stewart
Morgan	of Edwards.
of Liberty.	Stewart of Jasper.
Morgan	Stewart of Reeves.
of Robertson.	Strickland.
Pate.	Stroder.
Perdue.	Sweet.
Potter.	Thrasher.
Purl.	Wells.
Quinn.	Westbrook.
Rice.	Wessels.
Rogers.	Winfree.
of Callahan.	Young.

#### Nays—43.

Amsler.	Jennings.
Baldwin.	Jones.
Barker.	Lackey.
Barrett.	LeStourgeon.
Bobbitt.	Loftin.
Bryant.	McKean.
Cable.	Martin.
Carson.	Mathes.
Carter of Coke.	Maxwell.
Davenport.	Miller.
Dielmann.	Patman.
Downs.	Patterson.
Finlay.	Pinkston.
Frnka.	Price.
Fugler.	Quaid.
Green.	Rowland.
Hardin	Satterwhite.
of Kaufman.	Shearer.
Harris.	Simpson.
Henderson	Stiernberg.
of McLennan.	Storey.
Hendricks.	Thompson.
Hughes.	Williamson.

#### Absent.

Bonham.	Pope.
Cowen.	Stevens.
Culp.	Teer.
Duffey.	Turner.
Durham.	Wallace.
Faubion.	Wilmans.

#### Absent—Excused.

Brady.	McNatt.
Burmeister.	Pool.
Chitwood.	Rountree.
Houston.	Russell.
Johnson.	Vaughan.
Lamb.	Wilson.
McFarlane.	

Mr. Baldwin moved that House bill No. 88, reported adversely, with a minority favorable report, be printed. The motion prevailed.

#### BILLS ORDERED NOT PRINTED.

On motion of Mr. Barrett, the following bills were ordered not printed: House bills Nos. 198, 240, 255, 251 and 75.

On motion of Mr. Stewart of Edwards, House bill No. 71 was ordered not printed.

#### BILL REREFERRED.

On motion of Mr. Gipson, House bill No. 25 was withdrawn from the Committee on Oil, Gas and Mines and referred to the Committee on Revenue and Taxation.

#### SENATE BILLS ON FIRST READING.

The following Senate bills, received from the Senate today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

Senate bill No. 85, to Judiciary Committee.

Senate bill No. 126, to Committee on School Districts.

Senate bill No. 31, to Committee on Municipal and Private Corporations.

Senate bill No. 99, to Committee on Public Lands and Buildings.

Senate bill No. 122, to Committee on Roads, Bridges and Ferries.

#### FINANCIAL STATEMENT.

On motion of Mr. Smith, the following financial statement was ordered printed in the Journal:

Article 3, Section 48, of the State Constitution, reads in part as follows:

"The Legislature shall not have the right to levy taxes or impose burdens upon the people, except to raise revenue sufficient for the economical administration of the government."

The financial condition of the State government can be safely stated as follows:

#### Available School Fund.

Ten dollars for each child in the scholastic age was apportioned to 1,297,000 children, or \$12,970,000 for the scholastic year 1922-1923. The State has paid nothing of this apportionment.

Counting the average beginning of all schools on October 15, 1922, and count-

ing the average salary of teachers at \$75 per month, the State is due about 25,000 teachers from October 15, 1922, to February 1, 1923, (three and a half months) \$6,562,500.

One dollar and fifty cents per capita or \$1,945,500 is expected to be paid the teachers between the 1st and 15th of February, 1923, which will leave \$4,617,000 that the State is still due the school teachers of Texas for teaching up to February 1, 1923.

#### General Revenue.

The deficiency in the general revenue now amounts to approximately \$2,250,000.

#### Penitentiary.

The amount that the penitentiary owes is about \$1,250,000; total deficiency in the three departments is about \$8,117,000.

Estimated income per annum for the next two fiscal years from the following sources and proposed bills named:

Ad valorem tax, 35 cents on \$100—Revenue 1 year, \$8,000,000; school 1 year, \$6,500,000.

Delinquent tax bill by Smith—Revenue 1 year, \$2,100,000; school 1 year, \$1,750,000.

Intangible bill by Patman—Revenue 1 year, \$4,500,000; school 1 year, \$4,500,000.

One cent on gasoline by Melson and Cowen—Revenue 1 year, \$1,250,000; school 1 year, \$1,250,000.

Inheritance tax by Smith—Revenue 1 year, \$2,500,000.

Oil production, two and a half cents—Revenue 1 year, \$2,600,000; school 1 year, \$650,000.

Other gross receipts—Revenue 1 year, \$1,000,000; school 1 year, \$250,000.

Franchise taxes—Revenue 1 year, \$1,250,000.

Insurance department — Revenue 1 year, \$1,200,000; school 1 year, \$675,000.

Interest on bonds—School 1 year, \$1,050,000.

Interest on land—School 1 year, \$1,150,000.

State Board of Equalization—Revenue 1 year, \$2,250,000; school 1 year, \$2,250,000.

Occupation tax on tobacco, etc., by Rogers — Revenue 1 year, \$400,000; school 1 year, \$100,000.

Miscellaneous—Revenue 1 year, \$500,000; school 1 year, \$500,000.

Totals—Revenue 1 year, \$27,550,000; school 1 year, \$20,625,000.

Estimated income if new bills mentioned herein are passed, \$27,550,000.

Estimated income for school funds if new bills mentioned herein are passed, \$20,625,000, or \$15.50 for each child in scholastic age.

#### RELATING TO DISTRIBUTION OF TAXES.

On motion of Mr. Hardin of Kaufman, the following remarks were ordered printed in the Journal:

The charge has been made on the floor of the House that some of the counties of Texas receive from the State government more funds than they contribute to its support. The substance of the charge is that those counties are not paying their just share of governmental expense and that an equalization board should be established to compel them to pay more.

As far as my county of Kaufman is concerned, I deny the charge that we receive more funds from the State than we contribute, and while not posing as the spokesman of the other counties against which the charge is made, I deny that the figures quoted can be made the basis of any demand that taxes in those counties be raised.

The sum of money paid by a county into a State treasury is no indication whatever as to whether that county does or does not bear its just share of taxation. The sandy hillsides of East Texas can not be expected to pay as much as the black land counties or the great cities or the oil districts any more than the Federal government can be expected to collect as much income tax in Arkansas as in New York. Nor should the amount of money received by a county from the State be determined by the amount of money paid into the State. Practically all the money received by these counties is devoted to common school purposes, and a very large part to schools for negroes. The Constitution says that the State, not the county, shall educate these children, white or black, and the mere fact that they were born and live in East Texas certainly does not lessen the State's obligation to them. At any rate the objection to the State's discharging its obligation to the children of East Texas is made with poor grace by the gentlemen who are demanding that the State irrigate the deserts and operate the railroads of another section.

Furthermore I deny the accuracy of these figures. It is not true that all the

money thus received comes from the State. Millions of dollars of that amount comes from the permanent school fund, which does not belong to the State at all, but to the children of the State, and would still belong to these children even if they all lived in the county of Wichita.

It is unfortunate that such purported facts and figures should be published at State expense, quoted by high officials and in public places, and dignified with the title of information. Behind it all is a well-laid scheme of creating what is to be known as a tax equalizing board, but which in reality is to be a tax raising board. The purpose of these remarks is to correct the erroneous impression that has been created by these charges, and to point out that the reasoning upon which they are founded is fallacious and utterly misleading.

#### RELATING TO PLATFORM DEMANDS.

Mr. Stevens offered the following resolution:

Whereas, The statement has been frequently made on the floor of the House and in the committee rooms that certain legislative matters now pending before the House of Representatives of the State of Texas are platform demands of the Democratic party and solemn pledges of said party binding upon its members; and

Whereas, The statutes of this State, Article 3110, provides that no political party shall ever place in its platform or resolutions any demand for specific legislation on any subject unless the demand for such specific legislation shall have been submitted to a direct vote of the people and shall have been endorsed by a majority of the votes cast in the primary election of such party; and

Whereas, None of the matters now pending before the House were submitted to the vote of the people and are not platform demands of the Democratic party and the statement that the same are platform demands has misled many of the members of the House of Representatives; and

Whereas, Article 3110 of the Revised Civil Statutes of the State of Texas which is as follows: "Any political party in this State, in convention assembled, shall never place in the platform or resolutions of the party they represent any demand for specific legislation on

any subject, unless the demand for such specific legislation shall have been submitted to a direct vote of the people, and shall have been endorsed by a majority vote of all the votes cast in the primary election of such party; provided, that the State executive committee shall, on petition of ten per cent of the voters of any party, as shown by the last primary election vote, submit any such question or questions to the voters at the general primary next preceding the State convention;" therefore, be it

Resolved, That Article 3110 of the Revised Civil Statutes be published in the Journal of the House.

Signed—Stevens, Abney, Jennings, Downs.

The resolution was read second time.

Mr. Satterwhite moved to amend the resolution so as to provide that the State Democratic Platform be also printed in the Journal.

The motion prevailed.

The resolution as amended was adopted.

Platform Adopted by State Democratic Convention at San Antonio, Texas, on September 5 and 6, 1922.

1. The Democracy of Texas in convention assembled renews the pledge of party fealty to those great principles for the protection and advancement of organized society, formulated by Thomas Jefferson, and as exemplified by the long list of illustrious party leaders in the Nation and State whose patriotic and capable public service has marked the progress of the government of the United States.

2. We re-affirm the traditions and principles in favor of a strict construction of the Federal Constitution and the preservation of the rights of the States, the liberties of the people, the political equalities of our citizens, freedom of conscience, the separation of Church and State, and the freedom of the press as among the fundamental doctrines embodied in the Declaration of Independence and the Constitution of the United States, and at all times adhered to by the Democracy of the Union.

3. We commend to the people of Texas a comparison of the many great and progressive achievements of the Democratic party in the eight years from 1912 to 1920, with the vacillating and inefficient policies and the lack of accomplishment of the present Republican National Administration. Coming

into power on a wave of reaction from war conditions, with many pledges and promises to the people, the Republican party today stands discredited before the country, with ranks demoralized, with pledges unredeemed and promises unfulfilled. The Democracy of Texas was a part of the organized political force which wrought so well for the national welfare under the patriotic and far-seeing National Democratic Administration, and it now points the way to a return of constructive statesmanship, industrial peace and agricultural prosperity so greatly enjoyed while it was in power.

4. We give our grateful tribute and enthusiastic endorsement to the administration of that great Democrat and world figure, Woodrow Wilson, and we hail him as the leader of the progressive democracy of America and of the liberal thought of the whole world. The achievements of his administration for the welfare of the American people, and of mankind, will stand for all time as an imperishable monument of his genius for government, his devotion to the public weal, and his unsurpassed service to Christian civilization.

5. The Democracy of Texas re-affirms our allegiance to the Eighteenth Amendment of the Federal Constitution, and favors its strict and continued enforcement. We urge our Representatives in Washington to initiate the needed legislation to cure its defects and provide the necessary supervision to have the law fully enforced throughout the United States and on the high seas on all vessels licensed by the United States and every other vessel entering our ports. And we urge our Legislature at its next session to enact the necessary legislation to bring about a closer and more effective co-operation between the Federal and State authorities, for the enforcement of the Volstead Act; and we demand that the Legislature of Texas shall pass such laws as will make more speedy and more effective the absolute prohibition of the sale, manufacture and transportation of intoxicating beverages of any character in this State.

6. The Democratic party of Texas again announces its allegiance to its ancient doctrine of a tariff for revenue only, and we denounce the tariff bill recently passed by the Senate of the United States known as the Fordney-McCumber Bill as an act "To increase the high cost of living and to prevent

the restoration of International trade," and we declare that its baneful effects are already felt in the increase in the prices of food and clothing and all the necessities of life.

7. We declare our continued adherence to the doctrine of the autonomy of the States and their unsundered sovereignty, and to the principle that every power not specifically delegated to the Federal Government is reserved to the States. We declare our opposition to every encroachment upon either the legislative, executive or judicial powers of the State, and to this end we declare the rights of the States to regulate and control all purely intrastate commerce and urge our United States Senators and Congressmen to exert their best efforts to have repealed the Esch-Cummins transportation act, and to have restored to the State Railroad Commission their rate making power.

8. Recognizing that our present system of the distribution and sale of farm products appears to penalize both the producers and consumers, through the speculative control of prices, wasteful methods of handling, and unnecessary overhead expenses, we commend to our Representatives and Senators a careful study of the problems of co-operative marketing, and recommend the enactment of legislation that will aid both the farmer and the stockman in the realization of the highest prices which their products may bring. And we further declare that these two great industries, which give employment to more labor and have invested more capital than any other American enterprise, are of supreme importance to the welfare and prosperity of all of our people, and that there should be secured to them adequate and dependable credits on longer and more favorable terms than our present commercial banking system affords. And it is our opinion that the importance of this issue demands the highest type of constructive statesmanship for its solution.

9. We heartily endorse the Sheppard-Towner Act and call upon the Thirty-eighth Legislature to pass such legislation as may be necessary to secure to the mothers and babies of Texas the benefits of this law.

10. We heartily endorse the administration of Governor Pat M. Neff for its wise, economic and constructive policy, and we especially commend the earnest efforts that have been made by

him to suppress lawlessness in every form, and his fearlessness in upholding the majesty and dignity of the law. We commend his determination that the violation of the law should be followed by a punishment for such violation, and his recommendation that the pardon powers for evil doing should not be left in the hands of a jury; that the violation of the law should be followed by punishment for the same. And we especially commend him for his fearlessness in enforcing the law in those districts of the State where lawlessness was rampant and the officers of the country were unable to suppress it. Accepting his past administration as a prophecy of what his future shall be, we unhesitatingly commend him to the voters of Texas for the high honor for which he has been selected. While appreciating and recognizing the necessity of assisting the educational interest of the State, and particularly the demands of the public schools, he at the same time realized that the taxpayers of the State were staggering under burdens too heavy to be increased.

11. We again affirm the ancient and accepted doctrine that the Democratic party is a white man's party, and unreservedly recommend the continued observance of that principle.

12. We congratulate the people of this State for the splendid progress made in recent years in the building of public roads. We recognize the improvement of the facilities for the exchange and distribution of products, of commerce and industry, as of paramount importance to the people of this State, and at the same time we realize the inability of the State by itself to secure a system of State highways of uniform type existing under constitutional limitations which place all initiative in road construction and financing in the several counties of the State and denies to the State itself the authority to construct and operate its highways. Accepting the recent act of Congress, which declares that in the near future Federal co-operation in road building will be extended to those States only that provide that the State, through a properly authorized and equipped agency, shall finance from the funds under the direct and exclusive control of the State, the construction, maintenance and operation of a State system of public highways; there is an imperative demand that we accept the

provisions of the Federal act as our only hope of assistance, and we therefore recommend and urge upon the Thirty-eighth Legislature the necessity for favorable action on all legislation, whether constitutional or statutory, that may be deemed requisite to enable the State to take over the construction, maintenance, control and operation of a system of public highways without prejudice to the constitutional rights of the counties and of the State.

13. All intelligent citizens recognize agriculture as the basis of our prosperity. In a Democracy the agricultural producer should stand high in public esteem. We, therefore, favor the encouragement of our agricultural enterprises and recommend to the Legislature the co-ordination and reorganization of all agricultural agencies that are publicly supported to the end that these agencies may be economically administered and their effectiveness increased.

14. We believe that the administration of court procedure in this State can be made more efficient and less costly to the people at large, and to the end that justice may be had, and business more quickly disposed of, we approve the efforts of the Texas State Bar Association in bringing about this much desired result, and we recommend that the next Legislature provide for the keeping open at all times possible of the various courts for the transaction of business.

15. The Democracy of Texas recognizes that the conservation and utilization of all natural resources of the State is in the interest of the people of the State and pledges itself to secure such legislation as may be necessary to secure the same; the great losses occasioned by the periodic droughts in certain sections of the State, and the inundation of lands in other sections, constitute an important factor in our economic life and materially affects the public welfare. We recommend to the Legislature the enactment of such general and special laws as will place the agencies and facilities of the State government in accord with a movement to promote and develop water conservation, and to prevent the loss against excessive floods, and to the end that such may be done we recommend such surveys by the engineering department of the State government as may be needed to demonstrate practical plans

for the conservation of flood waters, and the reclamation of arid lands.

16. The forests of the State of Texas having been largely exhausted, with no plans for their reclamation, and no efforts to reclaim them with merchantable timber, we recognize that in time a great loss must follow by reason of the fact that there will not be sufficient material for the home building of the people of our State; we therefore recommend that the State of Texas join efforts with the Federal Government for the reforestation of lands not profitable for agriculture where under such conditions it may be found practical, and that the State bear a just and active part in such constructive plans of the National Government.

17. The provisions of the existing election laws of the State of Texas have been found to be ineffective and restrictive of the free and just expression of the will of the people of Texas, and we urge upon the Legislature the revision and enactment of such laws as will meet the will of the people.

18. We condemn in most emphatic terms the weak and vacillating policy pursued by the Republican National Administration, its lack of decision and pitiable inefficiency in dealing with the present nationwide strike of the Railway Shop Crafts. The Democratic party does now oppose and has always opposed the use of the injunction except where the interests of the public are evidently in jeopardy.

19. We affirm that the right of assemblage is an inherent right of the American people. That labor has and should have the right to organize for its own protection, and has the right both of peaceful argument and the legal use of its resources for the benefit of its brothers in distress. We reaffirm the right of workers to organize, and give our approval to the principle of collective bargaining. Legislation to the end that the State operate the insurance system under the Employees' Compensation Act should be adopted and should provide for a more equitable compensation than is now had.

20. It is the opinion of the Democratic party of the State that the present system of administering the prisons of Texas is obsolete and inefficient, and this convention recommends a law providing for the re-location of the penitentiary and calls upon the Thirty-eighth Legislature to furnish to

the re-locating committee a scientific survey of plans made by experts of national reputation, which said plants and surveys, which shall include a prison for the criminally insane, shall be used by the committee on re-location; provided, however, that said survey shall not delay the re-locating committee in submitting its plans to the forthcoming Legislature.

21. We recommend the amendment of the primary election law to be so made that nominations of all judicial offices from district judge to judge of the Supreme Court be made by convention.

22. We favor the enactment of a law by which any officer of a county who is unwilling to enforce the law, and where it can be shown that he, for any cause, wilfully refuses to enforce the law and discharge the duties of his office, may by the courts be removed from such office, and his place filled by the Governor during the pendency of such judicial inquiry.

23. The Democracy of Texas declares its sincere belief that the men who entered into the defense of this Nation, leaving their homes and business pursuits during the days of the war, are entitled to just compensation for the losses sustained by them in so doing; and we further declare that those men who suffered physical, or mental infirmities by reason of their service are entitled to the best of care and attention which the government can afford to give.

24. The Democratic party of Texas in the matter of taxation stands for equal and exact justice to all. It has consistently stood for the minimum of tax burdens essential to the efficient administration of the public service, and it is our belief that the next Legislature of the State of Texas should undertake through the means of a distinctly State agency the equalization of tax renditions among all the counties of the State.

25. We believe that the universal dissemination of knowledge is the only sure guaranty of the rights and liberties of the people, and we pledge the Democratic party to make adequate provisions for assuring to the children of the State equal opportunity to secure the benefits of instruction through the public schools. We recognize the insufficiency of the financial support heretofore given to the common school districts of the country, together with the irregular terms of instruction as a con-

dition of affairs demanding immediate remedy. We urge such change in our law, both constitutional and statutory, as will make ample provisions for the maintenance of every public school in the State for an equal number of months of each year, with like facilities for instruction, and which will provide that degree of flexibility in adaptation to future scholastic requirements as will result in giving Texas a real State system of public schools. To that end, we urge upon the next Legislature liberal appropriations to supplement the available school fund reasonably consistent with the public revenue. And we further believe that the judicious policy for the support and development of the State institutions of higher learning and of vocational training is necessary by suitable appropriation. Such tax levy to be subject to legislative determination in order to provide for flexibility of adjustment in increasing institutional requirements, and subject to legislative direction for distribution among the institutions.

26. The increasing problem of municipal government in providing for, controlling and regulating public service utilities essential to the welfare of the people demand grave consideration, and we recommend that the Legislature authorize the establishment of a State agency to co-operate with such municipalities in the solution of the public utility problems which are constantly arising.

27. We favor a convention for the writing of a new constitution for the State of Texas.

28. We favor the giving of all men and women who are in the army, navy and marines, from the State of Texas, the same voting rights that other citizens of the State may have.

29. Feeling that adequate and essential educational facilities should be provided without discrimination for every section of Texas, therefore, we urge upon the Thirty-eighth Legislature to establish a branch Agricultural College in West Texas under the direction of the board of directors of the Agricultural and Mechanical College of Texas and closely co-ordinated with the parent institution at College Station.

#### RELATING TO CONTRACTS FOR TEXT BOOKS.

Mr. Purl offered the following resolution:

H. C. R. No. 6b, Relating to contracts for text books.

Whereas, The interest of the entire State of Texas is attracted to recent text book expenditures; and

Whereas, The Governor has stated in detail the proceedings of the recent commission's sitting; and

Whereas, The House believes that certain data is still essential for its consideration; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That all publishers of text books or their agents interested in the recent contract let by the Text Book Commission be required to appear before a joint Committee on Education of the House of Representatives and of the Senate of the Thirty-eighth Legislature during the present session and, in detail, relate expenditures of their companies through their agents, covering telegrams sent and charges paid on telegrams received, to Texas school teachers, county superintendents, school superintendents and other persons and other moneys securing data as material for propaganda used in spreading and causing to arise general protest over recent text book awards. Be it further

Resolved, That the Board of Control be instructed to furnish to the Chief Clerk all names of the publishers or the agents of text books, interested in the recent contract let by the Text Book Commission and that the Chief Clerk be instructed to notify said publishers or their agents to appear before the joint Committee on Education.

The resolution was read the second time.

On motion of Mr. Pope, further consideration of the resolution was postponed until 11 o'clock a. m., next Thursday.

#### RELATING TO CONDITIONS AT UNIVERSITY.

The Speaker laid before the House, and had read, the following communication:

January 23, 1923.

The Honorable Speaker and the House of Representatives, Thirty-eighth Legislature, Austin, Texas.

Gentlemen: The Board of Regents of the University of Texas, at its recent meeting, instructed me to convey to the Governor and to the Senate and the House of Representatives the attached

communication which is self-explanatory, and which I trust may receive your favorable consideration.

Very cordially yours,  
ROBERT E. VINSON,  
President.

The Honorable Speaker and House of Representatives, Thirty-eighth Legislature, Austin, Texas.

Gentlemen: We, the Board of Regents of the University of Texas, desire to submit for your earnest consideration the following facts and conditions prevailing in the institution which has been placed under our supervision, and to petition you to take such steps as may be possible to provide more adequate and suitable accommodations therefor. The University is now passing through its fortieth year of continuous service to the State through the education of its sons and daughters, a service in which this board takes great pride, notwithstanding its deficiencies and the difficulties under which it has been rendered. Many thousands of students have passed through its halls into the professions, the commercial activities, and the homes of the State, and, for the most part, have enrolled themselves among the useful and honored citizens of this great commonwealth. From an institution of two departments it has now grown into ten great divisions, each of which is performing a distinct service in the cause of education. Its 221 students at the beginning have now reached the tremendous total of more than 8000. In the past five years alone, its student body has increased by approximately 100 per cent. Its high standards and reputation for thorough work are widely known and acknowledged.

And yet, with its teeming student body and its high character and standing, the University of Texas is from the standpoint of buildings, the poorest equipped institution of like sort in the United States. We regret to be compelled to make this admission but our duty forces us to bring this humiliating fact to your attention. Only two of its buildings may be classed as permanent, and three as semi-permanent, leaving all the rest not only as temporary, but their continual use as extra-hazardous. This condition has been due to three causes, viz: the rapid growth of the institution, the constitutional restrictions placed upon the Legislature, and the inadequacy of appropriations for maintenance, thus obliging the Regents to use the income from the University Permanent Fund for this purpose. We beg to submit that

the present high character and standing of the institution in the sisterhood of State Universities has been due in no small measure to the wise and discriminating use which our predecessors have made of the available fund.

It is not, however, our intention to dwell so much upon the causes of the present conditions, certainly not at all upon any issues which may be raised thereby, as upon the possible remedies which may be provided. We would, therefore, respectfully suggest two lines of action which may be taken, which together will, we believe, open the way for more or less adequate relief.

The first relates to the use of the income from the Permanent University Fund. In round figures this source now produces about \$250,000 per annum, and if the University were already adequately supplied with buildings this sum would perhaps be sufficient to care for its further expansion without cost to the people of Texas. The passage of a law simply setting aside this fund for the construction of buildings would, however, in our judgment, avail little in the face of the great need, inasmuch as at this rate it would take upwards of forty years to secure sufficient buildings for the students now in attendance, and the average annual increase in students would be more than enough to fill such buildings as would be erected. If, however, in addition to a law setting aside this available fund for buildings and permanent improvements, the Board of Regents should be authorized to impound this fund for a period of not exceeding fifteen years, a sum could be secured on reasonable terms sufficient to erect without cost to the taxpayers of the State about half of the buildings now needed. We believe that such a law would not only do no violence to the Constitution or statutes of the State, but would also be in line with the best business procedure in like cases, and would be particularly valuable in these times of stress and economic readjustment.

Secondly, we respectfully request that an amendment to Article VII, Section 14, of the State Constitution be submitted to the people of Texas, which will remove the restriction therein placed upon the appropriating power of the Legislature in order that the needs of the University may be provided for by succeeding Legislatures, and that this institution may secure its fair and proportionate share of the general revenues of the State from year to year. The University is only one of the institu-

tions of higher learning being operated by the State, and claims no precedence nor desires any special treatment. But we submit that it is a State institution, and that its history and growth have revealed that the present constitution at the point referred to does not accord it the same possibility of development which all the other institutions enjoy.

The action of the Governor and the Thirty-seventh Legislature in providing for a more adequate campus has been greatly appreciated by this Board, and has injected a large element of hopefulness into the minds of those immediately responsible for the administration of the University. Favorable action upon the two proposals herein presented will, we confidently believe, so encourage the Board of Regents, the faculties and the students that all of them will conspire together in an even more hearty effort than has characterized them in the past to make the University of Texas a "means whereby the attachment of the young men and women of the State to the interests, the institutions, the rights of the State, and the liberties of the people may be encouraged and increased." To this end we pray your careful consideration and favorable action.

H. J. L. STARK, Chairman,  
SAM P. COCHRAN,  
F. W. COOK,  
W. H. FOLTS,  
FRANK C. JONES,  
C. E. KELLY,  
MRS. H. J. O'HAIR,  
LOUIS J. WORTHAM,  
H. A. WROE.

Board of Regents.

#### INVITATION TO UNIVERSITY BAND.

Mr. Morgan of Robertson offered the following resolution:

Whereas, The University of Texas has among many distinguished organizations a band; and

Whereas, This Longhorn Band is ranked among the best musical organizations in the State of Texas; and

Whereas, The Legislature of the State of Texas is interested in the student activities of the University of Texas; therefore, be it

Resolved, That the Longhorn Band be invited to give a concert in this Hall on Friday evening, January 26, 1923, at 7:30 o'clock p. m.; and be it further

Resolved, That the Speaker appoint a

committee of three to invite said band and report on same tomorrow morning.

Signed—Morgan of Robertson, Robinson, Beasley, Young, Bobbitt, Carter of Coke, Jacks, Kembrie, Carpenter of Dallas, Irwin, Satterwhite, Coffee.

The resolution was read second time and was adopted.

In accordance with the above action, the Speaker announced the appointment of the following committee to invite the University Band:

Messrs. Morgan of Robertson, Robinson and Young.

#### MESSAGE FROM THE GOVERNOR.

Mr. R. B. Walthall, Secretary to the Governor, appeared at the bar of the House, and being duly announced, presented the following message from the Governor, which was read to the House, as follows:

Governor's Office,

Austin, Texas, January 23, 1923.

To the Members of the Thirty-eighth Legislature:

Since the beginning of governments, it has been necessary to have prisons and penitentiaries. History, sacred and secular, tells of prison life. The most vexing and perplexing problem that governors and legislatures have had to deal with in Texas for years is our penitentiary system. It has many angles. The more you study it, the more difficult and intricate its solution seems to be. The strange thing is that there are so many people in the State who, though knowing nothing about the penitentiary, never even having spent as much as a week on a visit to it, can tell just exactly what ought to be done to make it a success from every standpoint. Many improvements have been made in our penitentiary life during the past two years. There are many more to be worked out. Those in authority are trying to solve them aright. We are trying to breathe into the entire penitentiary system the breath of humanity.

#### Physical Properties.

The Texas penitentiary system owns 81,120 acres of land. It has 41,000 acres of this land in cultivation. The penitentiary lands are divided into twelve farms scattered from the banks of the Red River to the Gulf of Mexico. In going from the farm in South Texas to the farm in North Texas, you travel nearly 400 miles. On these farms are twenty-two hundred head of work stock,

twenty-seven hundred head of cattle, thirty-five hundred head of hogs, thirteen hundred head of sheep and goats, sufficient farm implements, and adequate residences and buildings to house those who work the farms. The prison walls and administrative offices are erected on a 10-acre tract of land at Huntsville. The penitentiary farms, most of them over a hundred miles from Huntsville, are located in Bowie, Houston, Madison, Walker, Brazoria and Fort Bend counties. Against these lands there is an indebtedness of long standing of almost a half million dollars, being a part of the original purchase price.

#### The Convicts.

There are approximately 3700 convicts in the penitentiary. There are some 1200 more in the penitentiary than at the beginning of the present administration. About half of those in the penitentiary at this time are white Americans, the other half Mexicans and negroes. Among the prisoners are about fifty negro women and some dozen white women. There are about seven hundred white boys between the ages of eighteen and twenty-five. Approximately 90 per cent of the convicts are illiterate, unskilled laborers. Many are mental and physical unfits. Most of them are unsuited for skilled mechanical employment. In the very nature of things, they must be used for ordinary manual labor.

#### What Work Do the Convicts Perform?

Our convicts are fed plenty of substantial food, have a good, clean place to sleep, have libraries, religious gatherings, are well cared for, and are made to work. It is proper that they should work. The penitentiary should not be a loafing place. Work is absolutely essential for the physical, mental, and moral well being of those in, as well as those on the outside, the penitentiary. Some one hundred or more of the prisoners have consumption or are permanently crippled and therefore unable to work. These are kept on a farm to themselves and are looked after as sick men. The women, most of them not capable of doing much work, are kept on a farm to themselves and sew for the penitentiary system. Generally speaking, there are from four to five hundred who, for various and good reasons, are kept on the inside the walls at Huntsville. These do but little work for the reason that the State has not provided any kind of inside work for them to do.

The crippled, the permanently sick, the women and those kept in the walls, aggregating in all about seven hundred, are dead weights to the financial system of the penitentiary. They must be fed, clothed, have medical treatment and their general wants looked after. These in the aggregate produce but little. They are consumers. The remaining convicts, about three thousand in all, are worked on the farms. A large number of them, however, on account of age, previous indolent lives, drug addicts, and dissipated habits, make poor farm hands. Some rebel against any form of honest labor. The criminal courts of Texas do not produce high grade laborers.

#### The Penitentiary Wards Should Be Employed at Various Industries.

The convicts should be employed at different industries. All the penitentiary eggs should not be in one nest. All the prisoners who are able to work should be provided with profitable employment. A cotton factory, a tannery, a shoe factory, a wagon factory, a cabinet shop, that would work in all from five hundred to a thousand prisoners, should be established for the purpose of manufacturing cloth, shoes, vehicles, furniture and other fixtures to be placed, not on the open market, but used at the penitentiary and in all other State institutions. The Highway Department of the State, for illustration, is spending this year about \$67,000 for automobile number plates. These, and other similar things, many of them now used by the State, should be made in the penitentiary. A cannery should be established and potatoes, peas, beans, figs, and all kinds of farm and garden truck that grows so abundantly on these farms should be canned, not only for the entire penitentiary system, but for use at other State institutions. The purpose of these industrial plants should be two-fold: first, to utilize the labor of the penitentiary in turning the State's raw material into goods to be used by State institutions; second, to train the convicts in a productive trade. I would take about 250 selected convicts and make a gentleman's contract with them as to commutation of their time, and work them without guards on the public roads of Texas. The State owns on the coast country abundant cement material. I would work about 50 men making cement and other material for road building, to be furnished at cost for public highway building. I would

designate one of the farms as "Honor Farm" and place prisoners on that farm on their honor to work under the direction of a superintendent but without guards.

#### Removal of Penitentiary.

Some thought has been given and some discussion had by the people generally as to the wisdom of selling the present penitentiary farms and moving the entire system to some other place. Having given conservative study to this question for two years, I find myself unable to agree with the proponents of this proposition. I am for the concentration and readjustment of our penitentiary system. I would sell the Shaw Farm, in Bowie county, consisting of 4688 acres, against which there is a debt of fifty thousand dollars. I would sell the Ferguson Farm, in Madison county, consisting of 4320 acres, against which there is also a debt of fifty thousand dollars. I would sell the Wynne Farm, in Walker county, consisting of 1976 acres. I would sell the Goree Farm, of but little value, in Walker county, consisting of 1000 acres. The Eastham Farm, in Houston county, consisting of 13,000 acres, 6000 acres being in cultivation, on which extensive improvements have been made, costing, without counting labor, \$136,000, and having on it a fine artesian well of hot water, which is piped through the buildings, I would convert into a home for the some seven hundred negro boys now in the reformatory at Gatesville, leaving the Gatesville plant for the white boys now mixed there with the negroes. I would convert the old penitentiary plant at Huntsville into an asylum for the insane. This would take the insane out of the jails of Texas. I would keep the seven penitentiary farms, all being within a radius of fifty miles and easily accessible to each other, in Brazoria and Fort Bend counties, aggregating 53,853 acres, and build a new penitentiary plant on one of these centrally located farms.

#### Present Location Inaccessible and Expensive.

Huntsville, the headquarters of the prison system, is especially inaccessible. Prison quarters, prison industries and prison farms should be concentrated at some point more accessible and more convenient for the economic handling of penitentiary prisoners, penitentiary supplies and penitentiary productions. It

costs the penitentiary over a hundred thousand dollars each year to pay transportation charges on supplies sent to and from Huntsville to the distant and widely scattered farms, which charges would be eliminated by moving the headquarters, and concentrating all the penitentiary industries on the Brazoria and Fort Bend county farms.

#### One Central Distributing Point.

I would build the penitentiary walls, administrative offices, shops and factories on the railroad and near the center of the fifty-three thousand-acre farms. This central plant would be the one big distributing point, the farms all being connected with improved highways.

#### Mistakes of the Past.

The mistakes of the past are of no service except to guide our feet for the future. As an original proposition I would not have purchased these lands in Brazoria and Fort Bend counties for penitentiary farms. They have on them entirely too much overflow land. They have too much low, wet land. Why they were bought in the beginning I do not know. The fact remains, however, that they are now the penitentiary farms. Not counting the free labor used, the State has heretofore spent more than a million dollars in improvements. Large sections of the land have been cleared and are in a good state of cultivation. There are no richer lands in all Texas. We should make the best of a bad trade. The land should be ditched; levees should be built. Engineers have surveyed the farms and say that most of the land in this way may be made reasonably safe from excessive rainfall and river flood waters.

#### The Brazoria and Fort Bend County Farms.

The fifty-three thousand-acre farms in Brazoria and Fort Bend counties have just about sufficient land for the penitentiary system. These farms are all in the same general neighborhood. Oyster Creek, providing at all times running water, though it does not overflow, runs through all these farms except two. This is indeed a valuable consideration.

#### Brazoria and Fort Bend County Farms Have Railroad Connections and Facilities.

All these farms have railroad connections and facilities. On the Clemens farm in Brazoria county the State owns 13 miles of railroad running

from Brazoria to the sugar mill—about six and one-half miles—and then two branches extending from the sugar mill out through the plantation, used for hauling cane to the mill. This road, which connects with a main trunk line railroad, is valued at \$130,000. The Retrieve Farm, also in Brazoria county, has three and one-half miles of railroad belonging to the State that connects with a main line railroad at Edmunds. This road runs through the plantation and is used for hauling wood, cane, cotton, etc., and is valued at \$30,000. The Ramsey, Darrington, Imperial and Harlem farms, are all on the Sugar Land Railroad, which passes through each of the farms, with terminus at Harlem. The Southern Pacific Railroad also passes through the Imperial Farm and runs on the south line of the Harlem Farm, with station on said farm. The I. & G. N. Railroad branch runs through the Darrington Farm, with a station at the edge of the State land known as Sandy Point. All the seven State farms in Fort Bend and Brazoria counties, therefore, have railway facilities, except Blue Ridge Farm, which is situated about centrally between the Southern Pacific and the I. & G. N. Railroads, each about three and one-half miles from headquarters, and the Sugar Land Railway, running on the west about the same distance, making this farm easily accessible to shipping points.

#### Valuable Improvements Should Not Be Junked.

The valuable improvements on these penitentiary farms could not be used if sold to individuals to be worked by free labor and therefore would be practically a total loss to the State if the penitentiary should be moved.

The Blue Ridge Farm has buildings and other improvements on it worth \$19,000, including a gin worth \$6,000. The Clemens Farm in Brazoria county, has buildings and improvements worth \$184,000, and a sugar mill worth \$245,000. The Darrington Farm in Brazoria county has buildings and improvements worth \$35,000. The improvements on the Ramsey and Retrieve Farms are worth \$162,000, while the cost of the buildings on the Harlem Farm amounts to \$133,000. The railroads, gins, mills, houses, barns, and general improvements on these seven farms are easily worth more than a million dollars. To sell these farms would mean almost a total loss of these

improvements. In addition to this, these large farms would necessarily have to be sold at a great financial sacrifice. In fact, it seems the State is always the loser when it either buys or sells. We had better hold to what we have.

#### Non-producers.

In considering the financial side of the penitentiary system, it is well to keep in mind the non-producers of that institution. The same five hundred prisoners, made up of the long-termers, desperate characters, old men, and those who for other good reasons ought not to be sent to the farms and are therefore kept within the walls, are almost wholly, at this time, consumers and not producers. The maintenance of this part of the penitentiary system will cost this year about \$150,000. The farm where the consumptives are kept raises nothing for the market. The upkeep of that farm will cost this year, \$30,000. The farm where the women stay brings in no revenue. They do but little work. Counting all cost this year connected with the handling and support of the women convicts, will aggregate \$60,000. These three departments of the penitentiary are a constant and direct drain on the financial system of the institution.

#### Two Years With the Penitentiary.

Two years ago, when I became Governor, there was no money in the penitentiary purse. The year preceding was behind one million dollars on running expenses. It took \$80,000 a month to feed, clothe, guard and care for the prisoners. We had no money. The Legislature declined to make an appropriation for the care of the convicts. We could not let them starve or turn them out. We, therefore, when we could not run on credit any longer, went into the open market and borrowed sufficient funds to pay back debts and meet operating expenses. That money was used as economically as possible. The prison system for the past two years has been operated at a cost of \$260,000 a year cheaper than the average of the four preceding years. This saving of over a half a million dollars was made, notwithstanding the prison population increased in those two years from 2400 to nearly 3700.

Many valuable improvements have been made in the prison system in the past two years. More than 1700 acres of land have been cleared and will be put in cultivation in 1923. Many miles of

new fences have been built, new ditches have been made on the various farms. New prison buildings have been erected, repaired, or made over. Twenty-five hundred new spring beds have been installed in the prison buildings, and it may be safely said today that the convicts are better fed, better clothed, and better housed than ever in the history of the prison system of Texas.

#### Entertainment.

None of the amusement and recreation of the convicts costs the State a cent. Musical instruments, libraries, magazines, etc., are being furnished by different church and civic organizations throughout Texas.

#### Libraries.

In the Huntsville fire, 9657 volumes were destroyed. At the present time more than this number has been received from the different organizations over the State, besides over 10,000 magazines. The club women, under the direction of the Texas Federation of Women's Clubs, took the lead in this work. At the main penitentiary at Huntsville, about fifty newspapers are distributed to the cells. Every cell has a Bible.

At the women's farm, there are 300 volumes and 10 daily papers. Eighty per cent. of the women read these.

#### Education.

In the past twelve months, the school work, that had been temporarily suspended, has been resumed. The classes range from the beginners up to the seventh grade, with special classes in algebra, plane geometry, shorthand, and music. The time the men spend in school is credited to them as overtime just as if they were working. All teachers are convicts, under the supervision of the chaplain.

#### Religious Instruction.

Every prison is provided with a chaplain. It is arranged so that, as far as possible, every denomination is represented. At the Mexican farm, the men have built an altar, and a priest holds service. At the main penitentiary at Huntsville, where the chaplain is a Protestant, a Catholic priest holds services once a month.

#### Morale.

The moral standard of the men, according to recent report of the chaplains, is one hundred per cent. better

than it was one year ago. They are unanimous in claiming that this is due to the co-operation between officials and inmates.

#### Truck Farms and Gardens.

The truck farms have increased one hundred per cent. All the farms have winter gardens, thus furnishing the men with green vegetables all through the winter months. The largest acreage is in cabbage and Irish potatoes and sweet potatoes. Imperial Farm had thirty acres in Irish potatoes, and Harlem had over two thousand bushels of sweet potatoes bedded down. The farms have from four to eight acres in cabbage, and what part is not eaten fresh is made into sauerkraut. Other vegetables are raised in smaller quantities: turnips, mustard, onions, spinach, beets, collards, rape, tomatoes, carrots, English peas, garlic, radishes, and lettuce.

#### Meat.

During the winter months the farms raise a great part of their meat. This winter Wynne Farm raised all its own meat. Fresh meat is given to the men from one to three times a week. Any surplus is sold.

#### Dairy Herds.

The dairy herds at the farms have been increased about fifty per cent during the last year. This increase will be continued, we hope, until all the inmates can have sufficient milk and butter fat.

#### Sanitation.

Every possible effort is being made to improve the sanitary conditions of the prison. At Wynne Farm, which is the tubercular farm, the beds are sunned and the floors and windows scrubbed every day. The sleeping departments and eating places on almost all the farms and prison camps have been screened. It has been the policy of this administration to improve the general sanitary conditions around the prison farms. Cleanliness and order can be seen in and around the prison camps, good hospitals are maintained, and efficient educational opportunities afforded to all the young white boys who desire to study.

Statement of Cotton Raised by the Different Farms During the Year of 1922, and the Amount Received for Same.

Cotton sold:

Bassett Blakeley Leased Farm—171

bales cotton, 88,686 pounds lint, \$20,467.19.

Blue Ridge State Farm—422 bales cotton, 220,743 pounds lint, \$47,513.80.

Clemens State Farm—537 bales cotton, 275,775 pounds lint, \$56,281.42.

Darrington State Farm—287 bales cotton, 136,372 pounds lint, \$29,592.18.

Eastham State Farm—511 bales cotton, 261,851 pounds lint, \$59,400.72.

Ferguson State Farm—375 bales cotton, 194,717 pounds lint, \$40,673.80.

Harlem State Farm—518 bales cotton, 254,913 pounds lint, \$55,963.34.

Imperial State Farm—441 bales cotton, 212,437 pounds lint, \$50,386.24.

Ramsey State Farm—187 bales cotton, 91,329 pounds lint, \$21,818.34.

Retrieve State Farm—12 bales cotton, 5865 pounds lint, \$1381.96.

Senior Leased Farm—122 bales cotton, 62,517 pounds lint, \$14,127.56.

Shaw State Farm—200 bales cotton, 101,222 pounds lint, \$23,734.62.

Total sold—3783 bales cotton, 1,906,427 pounds lint, \$421,340.45.

Cotton on hand unsold:

Bassett Blakeley Leased Farm, 19 bales cotton; Imperial State Farm, 101 bales cotton; Senior Leased Farm, 3 bales cotton; Darrington State Farm, 29 bales cotton; Ramsey State Farm, 62 bales cotton; Blue Ridge State Farm, 9 bales cotton; Shaw State Farm, 5 bales cotton; total on hand, 228 bales cotton.

Average price received for cotton sold, 22.10 cents net.

Rent cotton delivered to lessor:

Bassett Blakeley Farm, B. B., 63 bales cotton; Harlem State Farm, R., 25 bales cotton; Harlem State Farm, B., 7 bales cotton; Imperial Leased Farm, B., 8 bales cotton; Senior Leased Farm, S., 82 bales cotton; total rent, 185 bales cotton.

Total number bales cotton raised in 1922 as follows:

Bassett Blakeley Farm, 253; Blue Ridge Farm, 431; Clemens Farm, 537; Darrington Farm, 316; Eastham Farm, 511; Ferguson Farm, 375; Harlem Farm, 550; Imperial Farm, 549 1-2; Ramsey Farm, 249; Retrieve Farm, 12; Senior Farm, 207; Shaw Farm, 205; total, 4196 bales.

Statement of Cotton Seed Sold During the Year 1922.

Clemens State Farm—4 cars, 334,700 pounds, 166.35 tons, \$5324.30.

Imperial State Farm—7 cars, 316,535 pounds, 158.26 tons, \$6354.55.

Darrington State Farm—2 cars, 119,020 pounds, 59.51 tons, \$1775.84.

Blue Ridge Farm—3 cars, 189,260 pounds, 94.63 tons, \$3264.39.

Harlem State Farm—5 cars, 302,840 pounds, 151.42 tons, \$4776.49.

Senior Leased Farm—1 car, 37,000 pounds, 18.50 tons, \$518.

Eastham State Farm—6 cars, 251,820 pounds, 125.91 tons, \$3922.73.

Ferguson State Farm—2 cars, 117,860 pounds, 58.93 tons, \$1430.55.

Bassett Blakeley Farm—3 cars, 149,260 pounds, 74.63 tons, \$3047.06.

Ramsey State Farm—1 car, 46,500 pounds, 23.25 tons, \$918.38.

Shaw State Farm—3 cars, 167,700 pounds, 83.85 tons, \$3064.15.

Total—37 cars, 2,030,395 pounds, 1015.24 tons, \$34,596.44.

Average price—\$34.07 per ton.

#### Statement of Cane Raised by the Different Farms in 1922.

Imperial State Farm—1400.53 tons, \$6477.19.

Harlem State Farm—1027.74 tons, \$4206.76.

Darrington State Farm—359.85 tons, \$1480.57.

Ramsey State Farm—7783.62 tons, \$33,009.36.

Retrieve State Farm—7743.96 tons, \$33,049.55.

Clemens State Farm—6007.41 tons, \$30,037.05.

Total—24,323.11 tons, \$108,260.48.

General average price, \$4.45 net.

#### Statement of Cane Furnished the Clemens Mill.

Retrieve State Farm—7743.96 tons, \$38,719.80; less freight, etc., \$5670.25; balance, \$33,049.55.

Clemens State Farm—6007.41 tons, \$30,037.05; balance, \$30,037.05; total tons, 13,751.37; total balance, \$63,086.60.

#### Statement of Cane Sold to Imperial Sugar Company in 1922.

Imperial State Farm—1400.53 tons, \$7037.39; less freight, \$560.20; balance, \$6477.19.

Harlem State Farm—1027.74 tons, \$4617.86; less freight, \$411.10; balance, \$4206.76.

Darrington State Farm—359.85 tons, \$1661.50; less freight, \$180.93; balance, \$1480.57.

Ramsey State Farm—7783.62 tons, \$36,910.19; less freight, \$3900.83; balance, \$33,009.36. Total tons, 10,571.74; total balance, \$45,173.88.

General average price per ton, \$4.27 net.

#### Recapitulation of Products Sold in 1922.

Cotton—3783 bales, 1,906,427 pounds, \$421,340.45.

Cane—24,323.11 tons, \$108,260.48.

Cotton seed—1015.24 tons, 2,030,495 pounds, \$34,596.44.

Total, \$564,207.37.

#### Statement of Goods Shipped and Received During 1922.

Outgoing shipments—501,313 pounds, \$2919.97.

Incoming shipments — 26,690,369 pounds, \$6703.12.

Incoming shipments paid — 904,173 pounds, prepaid.

Total—28,095,855 pounds, \$9,623.09.

#### Statement of Receipts and Disbursements as Reflected by Cash Book During the Year 1922.

Cash on hand January 1, 1922, \$93,493.28.

Cash received in January, 1922, \$28,896.60.

Cash received in February, 1922, \$33,317.40.

Cash received in March, 1922, \$409,596.09.

Cash received in April, 1922, \$102,538.70.

Cash received in May, 1922, \$78,054.68.

Cash received in June, 1922, \$96,367.67.

Cash received in July, 1922, \$17,329.51.

Cash received in August, 1922, \$40,150.68.

Cash received in September, 1922, \$223,730.31.

Cash received in October, 1922, \$128,226.54.

Cash received in November, 1922, \$93,326.16.

Cash received in December, 1922, \$76,350.47.

Total received from all sources, \$1,327,884.81.

Total cash and receipts, \$1,421,378.09.

Cash paid out in January, 1922, \$113,855.49.

Cash paid out in February, 1922, \$25,062.65.

Cash paid out in March, 1922, \$398,750.10.

Cash paid out in April, 1922, \$106,110.92.

Cash paid out in May, 1922, \$79,532.99.

Cash paid out in June, 1922,  
\$23,667.28.

Cash paid out in July, 1922,  
\$87,887.47.

Cash paid out in August, 1922,  
\$29,883.55.

Cash paid out in September, 1922,  
\$159,816.39.

Cash paid out in October, 1922,  
\$126,388.28.

Cash paid out in November, 1922,  
\$113,307.22.

Cash paid out in December, 1922,  
\$61,575.41.

Total disbursed for all purposes,  
\$1,325,837.75.

Cash on hand December 31, 1922,  
\$95,540.34.

Total, \$1,421,378.09.

#### Explanation of Receipts for the Year of 1922.

Total receipts from all sources,  
\$1,327,884.81.

Received from 1921, cotton, \$4,896.45.  
Warrants, \$1,938.75.

Interest on note, \$3,375.

Cane sale, 1921, \$13,219.12.

For money borrowed, \$38,000.

The Brown-Crummer Co., \$702,850.

Check for Brown-Crummer Co.,  
\$47,150.

Cotton seed, 1922, \$34,596.44.

Cotton, 1922, \$421,340.45.

Cane, 1922, \$20,000.

Miscellaneous receipts, \$40,518.60.

Total, \$1,327,884.81.

#### Bills Payable and Other Indebtedness of the Texas State Prison System.

##### Eastham Farm Notes.

35 notes, January 1, 1916, due Jan-  
uary 1, 1923, at 6 per cent., \$35,000.

35 notes, January 1, 1916, due Jan-  
uary 1, 1924, at 6 per cent., \$35,000.

35 notes, January 1, 1916, due Jan-  
uary 1, 1925, at 6 per cent., \$35,000.

25 notes, January 1, 1916, due Jan-  
uary 1, 1926, at 6 per cent., \$25,000.

35 notes, January 1, 1916, due Jan-  
uary 1, 1927, at 6 per cent., \$35,000.

Total, \$165,000.

##### Ferguson Farm Notes.

10 notes, January 1, 1916, due Jan-  
uary 1, 1923, at 6 per cent., \$10,000.

10 notes, January 1, 1916, due Jan-  
uary 1, 1924, at 6 per cent., \$10,000.

10 notes, January 1, 1916, due Jan-  
uary 1, 1925, at 6 per cent., \$10,000.

10 notes, January 1, 1916, due Jan-  
uary 1, 1926, at 6 per cent., \$10,000.

10 notes, January 1, 1916, due Jan-  
uary 1, 1927, at 6 per cent., \$10,000.

Total, \$50,000.

##### Shaw Farm Notes.

8 notes, July 1, 1916, due January 1,  
1923, at 6 per cent., \$8,000.

8 notes, July 1, 1916, due January 1,  
1924, at 6 per cent., \$8,000.

8 notes, July 1, 1916, due January 1,  
1925, at 6 per cent., \$8,000.

8 notes, July 1, 1916, due January 1,  
1926, at 6 per cent., \$8,000.

8 notes, July 1, 1916, due January 1,  
1927, at 6 per cent., \$8,000.

8 notes, July 1, 1916, due January 1,  
1928, at 6 per cent., \$8,000.

Total \$48,600.

##### Ramsey Farm Notes.

1 note, December 31, 1917, due  
December 31, 1922, at 6 per cent., \$8,650.

1 note, December 31, 1917, due  
December 31, 1923, at 6 per cent., \$8,650.

1 note, December 31, 1917, due  
December 31, 1924, at 6 per cent., \$8,650.

1 note, December 31, 1917, due  
December 31, 1925, at 6 per cent., \$8,650.

1 note, December 31, 1917, due  
December 31, 1926, at 6 per cent., \$8,650.

1 note, December 31, 1917, due  
December 31, 1927, at 6 per cent., \$8,650.

Total, \$51,900.

##### Harlem Farm Notes.

1 note, December 21, 1914, due  
December 31, 1922, at 6 per cent.,  
\$5,070.54.

1 note, December 21, 1914, due  
December 31, 1923, at 6 per cent.,  
\$5,070.54.

1 note, December 21, 1914, due  
December, 31, 1924, at 6 per cent.,  
\$5,070.54.

1 note, December 21, 1914, due  
December, 31, 1925, at 6 per cent.,  
\$5,070.54.

Total, \$20,282.16.

Grand total, farm notes, \$335,782.16.

Sundry notes given for purchases  
made prior to January 1, 1915, to be  
settled through Comptroller's office,  
\$7,921.81.

1 note to P. R. Austin, March 8,  
1922, due January 1, 1923, at 6 per  
cent., \$9,459.66.

1 note to G. A. Kelly Plow Co., May  
24, 1922, due November 1, 1922, at 6  
per cent., \$470.

1 note to Barnhardt Bros. & Spindler,  
April 10, 1922, due February 1, 1923,  
at 6 per cent., \$2,673.59.

180 notes to Brown-Crummer & Co.,

February 15, 1922, due February 1, 1923, \$750,000.

Sundry notes total, \$770,525.06.

Total notes, \$1,106,307.22.

Audited vouchers unpaid, \$168,362.56; accounts payable, \$8,818.57; total \$177,181.13.

Grand total, \$1,283,488.35.

Land Notes that Matured January 1, 1923.

Eastham Farm, 35 notes at \$1,000, \$35,000.

Ferguson Farm, 10 notes at \$1,000, \$10,000.

Shaw Farm, 8 notes at \$1,000, \$8,000.

Ramsey Farm, 1 note, December 31, 1922, \$8,650.

Harlem Farm, 1 note, December 31, 1922, \$5,070.54.

Total land notes, \$66,720.54; interest due on land notes, \$20,282.16; total, \$87,002.70.

Notes given for purchases made prior to January 1, 1915, \$7,921.81.

Notes given for purchases in 1922, Barnhardt Bros. & Spindler Co., \$2,673.59.

Kelly Plow Co., \$470.

P. R. Austin, \$9,459.66.

Interest on the above, \$1,436.75; total, \$21,961.81.

Total amount for notes and interest that matured January 1, 1923, \$108,964.51.

Audited vouchers, \$168,362.56; accounts payable, \$8,818.57; total, \$177,181.13.

Bill payable to Brown-Crummer Co., due February 1, 1923, \$750,000.

Total, \$1,283,488.35.

The Prison Commission reports that the operating expenses of the penitentiary system for the year 1922 were \$1,076,317.99, which amount includes \$25,760 for poison and \$2,644 for dusting machines utilized for the purpose of exterminating insects on the crops, as well as \$44,183.05 expended for the purchase of corn and feed stuff for work stock, which amount is the difference between \$42,872.94 for 1921, and \$77,055.99 purchase for 1922. This purchase was necessitated owing to the damage to the short chops during the tropical storm of 1921.

In view of the fact that the aforementioned expenditures were extraordinary, I feel justified in calling your attention to same, thus bringing the actual operating expense down to \$1,003,724.94, in comparison with the expenditures for 1921.

Be it specially noted that during

1922 we had an increase of an average of 592 men over and above that of the previous year, and the average cost of maintenance per man per month during 1922 is \$16.70 per month, which is considerably less than any period during the past three years, which were as follows:

Cost of maintenance per man per month, 1922—\$16.70.

Cost of maintenance per man per month, 1921—\$19.43.

Cost of maintenance per man per month, 1920—\$23.54.

Cost of maintenance per man per month, 1919—\$21.06.

The amount expended for maintenance for 1922 shows a reduction of \$115,446.24 per annum or \$2.73 less per month per man, on an average population of 3524 men in comparison with 1921 costs.

The above detailed report is submitted to you with the hope that your honorable body will help in every way possible in an effort to make the penitentiary a going, reformatory, worth-while institution, worthy the great State it was instituted to serve. I would be pleased to have legislation in keeping with the recommendations herein made.

Respectfully submitted,

PAT M. NEFF,  
Governor.

#### EMPLOYEE OF THE HOUSE.

The Speaker announced the appointment of the following:

Committee Clerk—Irring McGee.

#### HOUSE BILL NO. 155 ON SECOND READING.

The Speaker laid before the House, as a special order for this hour, on its second reading and its passage to engrossment,

H. B. No. 155, A bill to be entitled "An Act to establish a State college in that portion of Western Texas lying west of the ninety-eighth meridian and north of the thirtieth parallel, to be known as the 'West Texas State College'; providing for the location of such college, its government, the control of its finances, defining its leading objects, and prescribing generally the nature and scope of instructions to be given; conferring upon the board of directors of said college the right of eminent domain; making necessary appropriations for the purchase of lands, the location, establishment and maintenance of said college, and declaring an emergency."

The bill was read second time.

Mr. Satterwhite, by unanimous consent, moved to reconsider the vote by which the bill was set as a special order for this hour.

The motion to reconsider prevailed.

Mr. Satterwhite then, by unanimous consent, withdrew the motion to set the bill as a special order for this hour, and moved that the bill be set as a special order for 1:30 o'clock a. m. next Friday.

The motion prevailed.

#### HOUSE BILL NO. 44 ON SECOND READING.

The Speaker laid before the House, as unfinished business, on its second reading and passage to engrossment,

H. B. No. 44, A bill to be entitled "An Act to preserve and protect the wild fur-bearing animals of this State; declaring wild fur-bearing animals to be the property of the State; providing for the issuance of trapper's licenses, and the disposition of the license fees; defining offenses and prescribing penalties for the violation thereof; and making it the duty of the Game, Fish and Oyster Commissioner and his deputies to enforce the provisions of this act; repealing all laws in conflict herewith, and declaring an emergency."

The bill having heretofore been read second time, with (committee) amendment by Mr. Finlay, and amendment by Mr. Cable to (committee) amendment pending.

Mr. Cable withdrew the pending amendment to the (committee) amendment.

Mr. Finlay offered the following substitute for the (committee) amendment:

Amend House bill No. 44 by striking out all after the enacting clause and insert the following:

"Section 1. All the wild fur-bearing animals of this State are hereby declared to be the property of the people of this State.

"Sec. 2. It shall be unlawful for any person to take the pelt or hide of any fur-bearing animal in this State for the purpose of sale except during the months of November, December and January of each year; provided, this section shall not apply to coyotes, wolves, mountain lions, or wildcats.

"Sec. 3. It shall be unlawful for any person to take, kill or have in possession after sale any wild beaver or the hide thereof, within the period of ten years from the passage of this act.

"Sec. 4. It shall be unlawful for any

non-resident of this State or alien to have in possession alive or dead, or to take, kill, or trap any of the fur-bearing animals of this State, without first having purchased a non-resident hunting license, as provided for in the game laws of this State.

"Sec. 5. Every person violating any of the provisions of this act shall, upon conviction, be punished by a fine of not less than ten dollars nor more than one hundred dollars.

"Sec. 6. That all laws and parts of laws in conflict herewith be, and the same are hereby repealed.

"Sec. 7. The fact that there is now no adequate law relating to fur-bearing animals creates an imperative public necessity that the constitutional rule requiring bills to be read on three several days be and the same is hereby suspended and that this act take effect and be in force from and after its passage, and it is so enacted."

Question—Shall the substitute be adopted?

On motion of Mr. Cable, further consideration of the bill was postponed until 2 o'clock p. m. next Friday.

#### RELATING TO ELEMOSYNARY INSTITUTIONS.

The Speaker laid before the House, for consideration at this time, the resolution offered yesterday by Mr. Beasley, relating to eleemosynary institutions, the resolution having been read second time yesterday.

Question recurring on the resolution, it was adopted.

Mr. Beasley moved to reconsider the vote by which the resolution was adopted, and to table the motion to reconsider.

The motion to table prevailed.

#### RELATING TO STATE SOVEREIGNTY.

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 11, Relating to principles of State sovereignty.

Whereas, Texas is recognized as one of the greatest States in the American Union, standing for the fundamental principles of local self-government, and a strict construction of the Constitution, as interpreted by Thomas Jefferson, the great teacher and exponent of the sacred doctrine of States Rights; and.

Whereas, The State Democratic platform adopted at San Antonio declares:

"We reaffirm the traditions and principles in favor of a strict construction of the Federal Constitution, and the preservation of the rights of the States, and the liberties of the people, the political equalities of our citizens, freedom of conscience, the separation of Church and State, and the freedom of the press as among the fundamental doctrines embodied in the Declaration of Independence and the Constitution of the United States, and at all times adhered to by the Democracy of the Union;" and,

Whereas, Said platform further affirms:

"We declare our continued adherence to the doctrine of the autonomy of the States and their unsundered sovereignty, and to the principle that power not specifically delegated to the Federal government is reserved to the States;" now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That we endorse said declaration in the State Democratic platform as sound and American, and as embodying the fundamentals of State sovereignty and local self-government, as against centralization as advocated by monarchists.

Resolved, further, That we go on record as favoring strict compliance with the letter and spirit of these declarations, both in the Congress of the United States, and in the Legislature of Texas, and that we will steadfastly uphold and defend every power of the Federal government conferred by the Constitution and every law legally enacted thereunder. But will oppose to the extent of our ability, every effort by Congress or any other agency to extend the powers of the Federal government over the local affairs of the States and thereby weaken the sovereignty of the States, by any means whatsoever, unless such authority be clearly and specifically authorized by the Constitution.

Resolved, further, That we request the Legislatures of the several States, and the Congress of the United States, to join us in a declaration of a closer adherence, devotion, and re-consecration to the principles of State Sovereignty, and the plain mandates of the Constitution of the United States.

The resolution was read second time.

Mr. Patman moved to postpone further consideration of the resolution indefinitely.

Mr. Moore moved to table the motion to postpone.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—92.

Abney.	Laird.
Amsler.	Lane.
Arnold.	LeMaster.
Avis.	LeSturgeon.
Baker of Orange.	Lewis.
Baldwin.	Lusk.
Barker.	McBride.
Beasley.	McDonald.
Bell.	Maxwell.
Bird.	Melson.
Blount.	Merriman.
Bobbitt.	Merritt.
Cable.	Miller.
Carpenter	Moore.
of Dallas	Morgan
Carson	of Liberty.
Carter	Morgan
of Hays	of Robertson.
Coffee.	Pate.
Collins.	Patterson.
Covey.	Perdue.
Cowen.	Pinkston.
Crawford.	Potter.
Culp.	Quaid.
Davenport.	Rice.
Davis.	Robinson.
Dielmann.	Rogers.
Dodd.	Rowland.
Downs.	Russell
Driggers.	of Callahan.
Duffey.	Russell of Trinity.
Dunn.	Sanford.
Edwards.	Satterwhite.
Faubion.	Shires.
Frnka.	Smith.
Gipson.	Sparkman.
Hardin of Erath.	Stell.
Hardin	Stewart of Jasper.
of Kaufman.	Storey.
Henderson	Strickland.
of Marion.	Stroder.
Henderson	Teer.
of McLennan.	Thrasher.
Howeth.	Vaughan.
Hughes.	Wells.
Hull.	Westbrook.
Irwin.	Williamson.
Jacks.	Wilmans.
Jones.	Wilson.
Kemble.	Winfree.
Lackey.	Young.

Nays—31

Atkinson.	DeBerry.
Baker of Milam.	Fields.
Barrett.	Finlay.
Carpenter	Green.
of Matagorda.	Harrington.
Carter of Coke.	Harris.

Hendricks.	Quinn.
Jennings.	Sackett.
Loftin.	Shearer.
McDaniel.	Stevens.
McKean.	Stewart
Martin.	of Edwards.
Mathes.	Stewart of Reeves.
Patman.	Sweet.
Pope.	Thompson.
Price.	Turner.
Purl.	Wessels.

Present—Not Voting.

Looney.

Absent.

Bonham.	Greer.
Bryant.	Montgomery.
Dinkle.	Simpson.
Dunlap.	Stiernberg.
Durham.	Wallace.
Fugler.	

Absent—Excused.

Brady.	Lamb.
Burmeister.	McFarlane.
Chitwood.	McNatt.
Houston.	Pool.
Johnson.	Rountree.

Question recurring on the resolution, it was adopted.

#### INVITATION TO AMATEUR CHORAL CLUB.

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 13, Relating to entertainment by Amateur Choral Club.

Whereas, The Amateur Choral Club of Austin is composed of seventy-five trained ladies' voices and is capable of rendering an entertaining and delightful program; and

Whereas, The Amateur Choral Club is willing and will be pleased to entertain the members of the House of Representatives and members of the Senate, and their friends, in the House of Representatives, with a concert at 8 p. m., Monday night, February 19, 1923; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That the Amateur Choral Club of Austin is hereby invited to render a program in the House of Representatives on February 19, 8 p. m.

The resolution was read second time and was adopted.

#### HOUSE BILL NO. 29 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 29, A bill to be entitled "An Act to amend Article 2, Title 1, of the Revised Civil Statutes of the State of Texas, 1911, relating to the adoption of heirs, so as to permit the adoption of minors only as legal heirs, and defining and designating the rights, privileges, and inheritances of heirs by adoption, and declaring an emergency."

The bill was read third time and was passed.

#### HOUSE BILL NO. 33 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 33, A bill to be entitled "An Act requiring the labeling of all cloth, fabric, garments or articles of apparel sold or offered for sale in this State which contain wool or purport to contain wool, and samples containing or purporting to contain wool displayed in this State in soliciting orders, and providing for punishment for violation of this act."

The bill was read third time and was passed.

#### HOUSE BILL NO. 131 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 131, A bill to be entitled "An Act to amend Article 2643, of Chapter 2, Title 48, Revised Civil Statutes of Texas, 1911, providing that the Board of Regents of the University of Texas, when authorized by specific legislation, may expend the interest of the permanent University fund for permanent improvements; providing that any contract made in any manner or for any purpose as in said Article 2643 specified shall be null and void, and declaring an emergency."

The bill was read third time.

Mr. Thrasher offered the following amendment to the bill:

Amend House bill No. 131, page 1, line 18, by striking out words "when authorized by specific legislation."

On motion of Mr. Hardin, the amendment was tabled.

House bill No. 131 was then finally passed.

**HOUSE BILL NO. 173 ON THIRD  
READING.**

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 173, A bill to be entitled "An Act amending Section 1, Chapter 27, page 25, Acts of the Regular Session, Thirty-second Legislature of the State of Texas of 1911, and being Art. 7059a of Title 120 of the Revised Statutes of Texas, relating to traveling and other expenses of judges of the district courts and district attorneys when in the actual discharge of their official duties in any county other than the county of their

residence; providing for the payment of such expenses by the State upon sworn itemized accounts of such officers; providing for recording such accounts in the minutes of the district court of the county in which such officer resides, and declaring an emergency."

The bill was read third time and was passed.

**ADJOURNMENT.**

On motion of Mr. Miller the House, at 4:30 o'clock p. m., adjourned until 10 o'clock a. m. tomorrow.

**In Memory**  
**of**  
**Hon. Allison Mayfield**

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Mr. Carpenter of Dallas offered the following resolution:

Whereas, We have today learned with profound sorrow of the death of the Honorable Allison Mayfield, after a lingering illness; and

Whereas, His life has been one of great usefulness, given in public service to his State, in great simplicity and straightforwardness, and sets an example of high public service; now therefore be it

Resolved, That when the House adjourns today, that it do so out of respect to the memory of this great man; that we extend to his family our sincere sympathy in the hour of their sorrow; that we commend them to the wisdom of our Father, who doeth all things well, believing that from His hand will come the solace for their great grief.

CARPENTER of Dallas.  
BOBBITT.

The resolution was read second time and was adopted unanimously.